

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off their laptop computers, their cell phones and their pagers. And we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield."

Pastor Crawford: "Let us pray. Father, we so humbly and graciously come before You realizing that we are the sheep of Your pasture, we're Your people today. We honor You as the great shepherd, the chief shepherd, one who loves and cares for His people. It is because of You that we have no wants. We have no wants, Father, simply because You shall supply all of our needs according to Your riches and glory. For it is You that maketh us to lie down by the green pastures of life and it is because of You that leads us beside the very still waters of life. And Father, although we walk through many valleys of the shadow of death and though our days may appear long and grueling and our tasks are many as they are we will not fear because it is Your rod and it is Your staff that gives us comfort. And it is Your goodness and it is Your mercy that shall follow us this day and all the days of our lives. We ask this in Your Son's name, amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Giles."

Giles - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands,

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Let the record show that there are no excused absences among House Democrats today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Millner, Brauer, Parke and Daniels are excused today."

Speaker Madigan: "The Clerk shall take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Lang, do you wish to call House Bill 60? Mr. Clerk, read the Bill. 60."

Clerk Bolin: "House Bill 60, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 60 would create scholarships for teachers willing to serve and to teach in underserved areas. This would, subject to appropriation, create opportunities for us to encourage young people to become teachers if only they will agree to serve for 5 years and teach for 5 years in underserved areas geographically or underserved areas by curriculum type. I would ask your support on this legislation."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

McCarthy: "Representative, I did hear your remarks and I was trying to get my system up and running and have not done it yet, but you did say it was subject to appropriation which you agreed upon in committee to amend. Did we add that Amendment on the floor?"

Lang: "The Amendment was added last week, Representative, at your request. And the Bill is now in exactly the form the committee requested."

McCarthy: "Great. Well, thank you for that."

Lang: "Thank you."

Speaker Madigan: "Representative Will Davis."

Davis, W.: "Thank you, Mr. Speaker. Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Davis, W.: "Representative, excuse my... my ignorance, but are... are there already programs like this established that maybe work through the state universities?"

Lang: "Thank you for the question. There are certainly some programs and ISAC certainly has some programs, but this would be a far more all-encompassing type of program that would say to anyone who is leaving high school going to college that if they will agree to teach for 5 years in an area of need, and we all know there are school districts all over the State of Illinois that have needs, then we would help them get through school. I think it would be excellent to bring more people to teaching. As you know, we have trouble finding enough qualified teachers today and this would make it a little easier."

Davis, W.: "So, just so I understand. So, does this program purli... provide them with financial aid while they're in

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

school or does this help to pay for loans once they're outta school?"

Lang: "I'm sorry. I didn't hear the question."

Davis, W.: "Does this program provide financial aid while they're in school or does this help to pay for loans or any other expenses that maybe have been incurred once they get out of school?"

Lang: "No. This is tuition. This is not for post-school. So, the... the high school senior might go to the... to ISAC and say, 'I'm lookin' for a scholarship to teach.' And they might say, 'Well, we can provide you one...', of course, subject to appropriation of this General Assembly, '...we can provide you one if you'll agree to teach in one of the areas that we'll have a list for when you graduate. So, when you graduate, we don't know maybe where the... that area of need will be 4 years from now.' So, this is... But... so, we would say to that person, 'You'll choose from a list.' And we'll... ISAC would make sure that they would go to an area of need."

Davis, W.: "So... so, this is a tuition waiver. So if a student coming out of high school accepts this agreement and receives say a couple of years of tuition waiver and then at some point says, 'Ya know what, I don't wanna be a teacher anymore.' Then what is that student's obligation after the fact?"

Lang: "To pay the money back."

Davis, W.: "Okay. Any interest or just flat amount. Just pay the money back."

Lang: "The idea would be that we will help these young people become teachers, but if they've decided they're not going to

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

be teachers, then the... they would've in essence received those tuition waivers needlessly and of course, they would be expected to pay it back. On the other hand, the details of all this would be set up by ISAC. The Bill is very... the Bill is structured so that ISAC can set up all the rules."

Davis, W.: "Okay. To the Bill. Thank you very much, Representative, for sponsoring this legislation. Certainly, I am an advocate of doing all that we can to help young people who are trying to accomplish goals and certainly there is no... there is no doubt that we have a shortage of teachers here in the State of Illinois. So, I certainly plan to support this piece of legislation. And thank you for bringing it."

Speaker Madigan: "The Gentleman moves for passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Turner in the Chair."

Speaker Turner: "On the Order of Third Readings we have House Bill 172. Representative Watson. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 172, a Bill for an Act concerning children. Third Reading of this House Bill."

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 172 simply allows the Department of Human Services and DCFS to maintain records for indicative reports of child abuse for a period of up... for no less than 50

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

years. This stems from an incident in my district where there was a 5-year recording period and there was an incident that occurred after that. The report was expunged. I'd be more than happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 172 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes' and 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading we have House Bill 227. Representative Bassi. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 227, a Bill for an Act in rela... in relation to public employee benefits. Third Reading of this House Bill."

Speaker Turner: "The Lady from Cook, Representative Bassi."

Bassi: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 227 allows a handful of visually handicapped state employees to purchase up to 8 years of pension credit for contract services as vendors. It requires the spar... participants to pay the full cost. It affects only six people who have been promised this pension. And I would ask for an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 227 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

voted who wish? The Clerk shall take the record. There are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings we have House Bill 245. Read the Bill, Mr. Clerk. Out of the record. Clerk, what's the status of House Bill 245?"

Clerk Bolin: "House Bill 245 is on the Order of House Bills- Third Reading."

Speaker Turner: "The Sponsor wants to move the Bill back to Second. Leave is granted. On the Order of Third Readings we have House Bill 340. Representative Reis. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 340, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Turner: "Out of the record. On the Order of Third Readings we have House Bill 381. Representative Colvin. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 381, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Colvin."

Colvin: "Thank you, Mr. Speaker. I'd like for the House for consideration... ask for consideration of House Bill 381 which would provide criminal penalty... which would amend the Criminal Code of 1961. The Bill deals with fraudulent minority contracting. And the Bill provides for penalties for individuals who are convicted of fraudulent minority contracting. It provides for penalties in two phases: 1) it provides for Class II felony offense under the Criminal Code

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

which will provide a prison sentence, would give judges the ability to sentence prisoners from 3 to 7 years in prison and it also provides for restitution in the amount of 1½ times of the amount of awarded contracts that were awarded under a fraudulent... a fraudulent scheme to defraud any unit of government, whether it be state or local in con... in minority contracting. I know of no opposition to the Bill. The Bill is in response to a number of high profile cases we've seen recently dealing with fraudulent minority contracting. Most importantly, not just jail time is an important part of this piece of legislation, but indeed, the funds that were defrauded by that local unit of government or that state unit of government in the amount of 1½ times. I'd be more than happy to answer any questions to House Bill 381."

Speaker Turner: "The Lady from Kane, Representative Lindner, for what reason do you rise?"

Lindner: "Thank you, Mr... Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Lindner: "Yes. Could you... you represented the... Where are you? Oh, you represented that... you represented, Representative, that this has happened lately. Has this happened in your district or can you give us some examples of why you brought this law forth?"

Colvin: "Well, it... it hasn't happened I wouldn't say, per sé in my district. It has certainly happened in the city I live in, the City of Chicago, where we've seen these type of abuses. And more importantly, what happens in cases like

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

this is, you know, we're talking about a finite pool of dollars and when individuals are fraudulently securing contracts under a false pretense, it's not only important that he be punished by jail time, but even more important that they repay or offer restitution in 1½ times of those amounts of those contracts. This Bill does nothing to expand set-aside programs. It really doesn't matter how you feel about them. This Bill is in response to people who break the law and that's a real important distinction here. We're going after people who are gonna take tremendous chances to secure contracts under false pretenses. When they get caught, we wanna make sure that the penalties are commensurate with the crime that they commit."

Lindner: "And... Thank you. I... I understand your penalties. Also, did you redefine the definitions of 'minority person', 'disabled' or were those already in the statute?"

Colvin: "No. How minorities are identified, currently, in the law as people of color and in the Bill it defines individuals of color, women and other minority groups who routinely contract with local units of government under minority set-aside programs."

Lindner: "But these were already defined. You did not do a redefinition of them in your Bill?"

Colvin: "Yeah, they were already part of the law."

Lindner: "Yeah. Okay. Thank you very much."

Colvin: "You're welcome."

Speaker Turner: "The Gentleman from Cook, Representative Miller, for what reason do you rise?"

Miller: "Will the Sponsor yield?"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Speaker Turner: "He indicates he will."

Miller: "One question I wanna ask you, Representative Colvin, two questions. One is, is this one of your own initiatives or how did you come about this piece of legislation?"

Colvin: "Representative Miller, this is my own initiative. In effect, it's a Bill that I actually had drafted more than 2 years ago that was introduced this... of course, this past January. But it is an initiative that I put together and have brought forth for consideration."

Miller: "The only reason I ask is because I had... I had read a report in which it was a City of Chicago initiative, but I know that me and you have had discussions on it almost a year ago. But I just wanted to make that point clear. In your own words, in addition to the... in addition to the... the Class IV felonies or is it Class II felon... felonies?"

Colvin: "I'm glad you brought that point up, Representative. Initially, the Bill that I drafted was... would provide Class IV penalties, but keeping it consistent with already existing State Law, we amended the Bill in committee to make it reflect Class II penalties which is consistent with State Law currently. And this law would amend the Criminal Code Act making it a Class II felony anywhere in the State of Illinois."

Miller: "Yeah. There is a provision in the Bill that goes after you had said conspirators of it. Can you elaborate on that just a little bit?"

Colvin: "I didn't... I didn't hear your question, Sir."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Miller: "A conspirator... a conspiracy. You had mentioned the conspirators and penalties associated with them. I just wanted to... for you to highlight that point."

Colvin: "That's correct, Representative. The Bill not only provides penalties for those who attempt to contract with local units of government, but it also provides penalties for individuals who work for units of government who may be acting in a conspiratorial fashion to assist individuals in securing, who work for government, in securing minority contracts."

Miller: "Thank you. To the Bill."

Speaker Turner: "The Gentleman from Cook, Representative Giles, for what reason do you rise?"

Miller: "Wait, Mr... Mr... To the Bill."

Speaker Turner: "I'm sorry. To the Bill."

Miller: "Ladies and Gentlemen of the General Assembly, I think this is about the... one of the most pieces of important legislation that we can pass in this... in this... in this term here. This legislation not only deals with those who represent their selves as a minority front, but also goes after those who wish to participate in that type of fraudulent activity. When we talk about racism, it's easy to talk about racism in terms of somebody being lynched or somebody sitting at the back of the bus, but what this Bill gets at is the economic racism that is felt by many African Americans and many people of... of minority... many minorities, regardless. This Bill goes after whether the perpetrators are black, white or Latino. It does not matter who the perpetrators are because in the day's revelations of the

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

doves... in day's revelation of the Billy goat... in day's revelation... today's revelation of these other scandals that are being brought before us that we know that are white participants, potential African-American and Latino participants that have all been under this umbrella. This goes after the penalty not the person. That's a very significant point in this legislation. We talk about economic justice, this goes at the heart of it. One hundred million dollars worth of contracts in front were given fraudulently. If we take some of the top African-American businesses, combined do not equal this. This is a strong piece of legislation. Historically, those who committed fraud get a slap on the wrist. A hundred million dollars, if a penalty is small, it's a slap on the wrist. If they wish to conduct in this kind of behavior, they know now that there will not only be a penalty in regards to jail term but a penalty in terms of fine. I would urge everybody in this General Assembly to support this legislation. This piece of legislation should pass out unanimously. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Giles, for what reason do you rise?"

Giles: "Thank you, Mr... Thank you, Mr. Sponsor (sic-Speaker), to the Bill. This is a type of legislation that I love to support because what it does is it continues to fight for parity, equality and opportunity in the State of Illinois. The Sponsor was ingenious in coming up with a piece of legislation that will add a little teeth to what's already on the books and that is a program that is set aside for minorities to participate, to have some sort of a

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

participation in a very important program dealin' with contracts in the State of Illinois in various local municipalities. I think what this legislation is trying to do is say that the minority set-aside programs is for minority and it's to give them an opportunity to participate in a whole scheme of contracts. Now, these minority set-aside contracts is a small percentage of the actual contract that has been letted out in various municipalities in various projects. So at least the minority participation part of the contract should be represented by minorities. And I truly applaud the Sponsor for making sure that we add a little teeth to the actual program and to... and to let the individuals that want to abuse the program to know that someone is watching you and that there are consequences for abusing this program. And so, once again, I applaud the Sponsor and I just think everyone should put a 'green' vote on this piece of legislation. Thank you."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Black: "Representative, let me follow up on something that Representative Miller discussed. Do you know whether or not the offense you want to cover has ever taken place?"

Colvin: "Do..."

Black: "Has someone actually fraudulently claimed to be an MBE contractor?"

Colvin: "Yes."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Black: "Where? Where would that be?"

Colvin: "There have been a number of federal indictments that made against individuals in recent years and historically dealing with exactly this topic."

Black: "Did I just read in the Chicago press where there was a rather major scandal in the City of Chicago about somebody fronting an MBE contractor?"

Colvin: "Well, Representative Black, again, the reason and the motivation for drafting this piece of legislation is in response to an observed problem."

Black: "Would it be a fair assumption to say that problem takes place more frequently in Chicago in the last few years than anywhere else in the state?"

Colvin: "I don't have any data to support that. It has probably happened in my city and I want you..."

Black: "Yeah."

Colvin: "...to remember that this is something that I drafted nearly 2 years ago, didn't file it, been holdin' on to it, decided to file it in January of this year. But it's in... again, it's in response to a problem that's existed historically dealin' with government..."

Black: "Well, I... I..."

Colvin: "And in contracting in government."

Black: "I'm very glad that you drafted it and I intend to support it and I intend to vote for it. And I think the message should be very clear. As I've been here some 19½ years, most of the MBE problems have occurred in the City of Chicago. So, I congratulate you on coming up with the Bill and I think it's time the City of Chicago is given

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

constructive notice, thanks to your legislation, we're not gonna tolerate this anymore."

Colvin: "But..."

Black: "We aren't gonna tolerate trotting out somebody who's a front for an organization owned by people who are not minority business contractors, who then use that contract to enrich themselves and not follow the spirit or the intent of the law. History is replete with that going on. I think this Bill is long overdue. I hope the message is sent. I hope the message is received. And if it occurs statewide, then the message should be received statewide. But in light of some of the recent events that have taken place in the city and I notice that they are proponents of the legislation and prior to the next city election in Chicago this message had better be received and the law should be followed. And if it isn't, I'm glad you've enhanced the penalties. And if that's what it takes, then that's what's necessary. I commend you on the Bill. I intend to vote 'aye'."

Colvin: "Representative Black, just in response to your comments. That this Bill doesn't target any individual or any city. This Bill will target any city or state unit of government that has these types of programs as part of their contracting business. And to that end, anywhere where these abuses take place in the State of Illinois we wanna make sure that the penalties are as stiff as possible."

Speaker Turner: "The Gentleman from Cook, Representative Davis, for what reason do you rise?"

Davis, W.: "Thank you, Mr. Speaker. To the Bill."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Speaker Turner: "To the Bill."

Davis, W.: "Ladies and Gentlemen, in the year 2005, the sad part about why we're having the debate on this particular Bill is the fact that these things exist. These programs are created to help individuals who may not have the initial capacity to be prime contractors on huge projects but to give them the opportunity because this is the business that they chose to be in to have the opportunity to benefit from state contracts that have the ability, legitimately. But it's unfortunate that there are people out there that choose to take advantage of this program. There are people out there that choose to circumvent the spirit of what those programs were designed. So, I'm here simply to give my support to the Sponsor of this Bill. Definitely, I am in support of this Bill and I hope every Member of this chamber will definitely be in support of it because in today's date when you would think that we wouldn't have to do things like this, it's unfortunate that there are people out there that wanna take advantage of it and this is the reason why we have to have programs like this. So, I wanna, again, thank the Sponsor and again, encourage every Member to be on this particular Bill. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Acevedo, for what reason do you rise?"

Acevedo: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Acevedo: "Rep... Representative, does this legislation apply to every category of government?"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Colvin: "It applies to every unit of government in the State of Illinois. And Representative, this is exactly why we amended the Criminal Code as opposed to any Civil Code so that these will be considered criminal penalties that'll apply to every individual who works for government as well as every unit of government in the State of Illinois, county, city, or state."

Acevedo: "I know we had mentioned... it was mentioned earlier, Representative, that the city... this was not an issue of the City of Chicago. Now, let me ask you. Does the City of Chicago support this legislation?"

Colvin: "The city... the City of Chicago not only supports it, but they helped draft it. They've been very supportive of this piece of legislation and I've been grateful for their support."

Acevedo: "Now, we keep focusing on the City of Chicago. Does the County of Cook support this legislation?"

Colvin: "The County of Cook does support this legislation."

Acevedo: "Does the Governor's Office support this legislation?"

Colvin: "I haven't heard one way or the other from the Governor's Office."

Acevedo: "I'd really like to find that out, but though... Mr. Speaker, to the Bill. I mean, we keep focusing on the City of Chicago, but let's make no mistake about this, Ladies and Gentlemen, this legislation is very important because not only has it happened in the City of Chicago, it's happening in the county and State Government. We can look throughout it. People have fallen through the traps. This... this program was meant to help put aside for minority

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

contractors. We say Caucasian businessmen and if you wanna bring in a conspiracy theory, it also applies to African American and Latinos. These are people who are trying to get rich on the backs of our own people using their own people. This is a very important piece of legislation. And I say again, I know Representative Black mentioned the City of Chicago, but let me make this perfectly clear. If we focus on the City of Chicago, let's look across the board in every entity in every government that deals in the State of Illinois."

Speaker Turner: "Representative Colvin to close."

Colvin: "Thank you, Mr. Speaker. I appreciate all the comments that have been made on this piece of legislation. And to the last speaker's comments, I think he's exactly right. This piece of legislation and I state again, does not in... target one unit of government, one city or one individual or one incident. Going forth from this day forward, ya know, this Bill is to send a clear message that anyone who attempts to defraud government in this fashion will pay a very high price. This will give prosecutors an additional tool to not only throw those individuals in jail, which they've been very successful in doing once they've been proven guilty, but for the first time it will give prosecutors a chance to recoup those dollars through fines and penalties for those individuals who attempt to defraud government in this fashion. I think this is an appropriate response to a problem we've seen not just in the State of Illinois but across the ci... across the United States of America. These type of abuses can't continue. I think what

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

they ultimately end up doing is giving those individuals who would like to see programs end the necessary fuel to... to eradicate them completely and I don't think that would be in the best interest of any of us. So, I would appreciate... and I just wanna thank you for your support. And I'd appreciate an 'aye' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall House Bill 381 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Lady from Cook, Representative Lindner, for what reason do you rise?"

Lindner: "Thank you, Mr. Speaker. I just would like the Body to wish my seatmate, Ruth Munson, a very happy birthday. She has cookies and she has these homemade pretzels made by her mother which are just absolutely delicious. So, happy birthday, Ruth."

Speaker Turner: "Happy birthday, Ruth. The Lady from DuPage, Representative Bellock, for what reason do you rise?"

Bellock: "Thank you very much, Mr. Speaker. I have two announcements. One is that the Conference of Women Legislators is celebrating National Historic Women Month and we had a press conference this morning and today... tonight we'll be celebrating at the Pasfield House, a meeting and then after that a movie on the women suffragettes and we

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

welcome all the women to join us. Two, is I'd like to wish my old seatmate and officemate, Randy Hultgren, happy birthday and have everybody wish him happy birthday. Randy Hultgren."

Speaker Turner: "The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

Stephens: "Inquiry of the Chair. Inquiry of the Chair."

Speaker Turner: "State your inquiry."

Stephens: "Is the brotherhood meeting?"

Speaker Turner: "The brotherhood meeting will be meeting later this week. We will have to notify you for the specific time."

Stephens: "Thank you."

Speaker Turner: "Okay. On the Order of Third Readings we have House Bill 383. Representative Davis. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 383, a Bill for an Act establishing the Amistad Commission. Third Reading of this House Bill."

Speaker Turner: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 383 amends the Historic Preservation Agency Act. It creates the Amistad Commission. It contains provisions concerning the membership of the commission and the duties include: providing assistance, advice to schools or other state agencies with respect to the implementation of education, awareness programs, textbooks on the vestiges of slavery in this country, the contributions of African Americans in our society. This commission will help with the surveying, the cataloging and the extent and breadth of education

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

concerning these topics. With Amendment #1 we included the ability of our Minority Leaders in both Houses to make appointments. The Speaker will make appointments, the Senate President, the Governor will make appointments and this commission is required to make a report to the Governor and the General Assembly. And I ask for a favorable vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 383 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings we have House Bill 402. Representative Eddy... Eddy. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 402, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Turner: "Mr. Clerk, return the Bill back to Second Reading at the request of the Sponsor. On the Order of Third Readings we have House Bill 404. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 404, a Bill for an Act concerning schools. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, this Bill, very basically, allows for a change that has been waived by school districts consistently in regards to the Prairie State Achievement Exam. On days when

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

that exam is administered this allows the day of attendance for a pupil, whose school day has to be cut short because of that testing, to be made up for at a... on a different day to accumulate the five clock hours necessary for an ADA. So, this is simply the waiver law working. We've identified a place in the law that is allowable under waiver and we just wanna codify that. I'll be happy to answer any questions."

Speaker Turner: "The Gentleman from McHenry, Representative Franks, for what reason do you rise?"

Franks: "Will the... will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Franks: "Mr. Eddy, I'm not sure I understand what we're trying to do here. 'Cause I'm reading my analysis, it says, right now, there's a hundred and seventy-six days required at least for students to go to school. What your... and what you're saying here is that they take the test on that day, that will count as a day of school?"

Eddy: "Because of the way the Prairie State Achievement Exam has to be administered and because of the quiet that's necessary and other test accoutrements at times school districts have to allow for an early dismissal for the schools in order for that test to be taken. All this does is allow for that time to be made up in addition to the normal five... five clock hours on other days. This is something schools have requested waivers for and been granted waivers unilaterally. We're just trying to make it so that they don't have to go through that process when we codify a current practice."

Franks: "Thank you for clarifying that for me."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Speaker Turner: "Seeing no further questions, the question is, 'Shall House Bill 404 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 101... 111 voting 'aye', 3 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings we have House Bill 457. Representative Biggins. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 457, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 457 deals with the relatively new crime of identity theft and prior... or existing law requires a conviction if the crime occurs within 6 months or 3 years time. This Bill extends that life of that during which that crime can be punished indefinitely. The reason for this law... Actually, Representative Bailey, my colleague from the other side of the aisle, has personally experienced the need for this law and if she'd be interested in explaining her experience with it, it could explain why we have to extend this... life of this... penalties for this Bill to beyond the 3-year current statute. The crime of identity theft, as we know, is relatively new. It can be applied years later, not just the normal... the old crime, if you will. It can be... occur years after your identity... You think it's safe but

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

someone can use your identification and commit crimes without your knowing it and sometimes go on for years. That's plural. So this Bill, which expressed a lot of interest from our colleagues here on the floor this afternoon, that does extend indefinitely the time for which this Bill can be prosecuted. This idea, really, was given to me by a constituent in my district who works in the Federal Government, was not able to testify publicly, but they need... they need this law to prosecute those that are committing this crime. So, I would be hapiler... happy to answer any questions anyone may have."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 457 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 114 voting 'aye', 0 'noes' and 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading... I'm sorry. The Lady from Grundy, Representative Gordon, for what reason do you rise?"

Gordon: "Thank you... thank you, Mr. Speaker. I would like to be recorded as voting 'yes' on House Bill 404, please."

Speaker Turner: "The record will so reflect..."

Gordon: "Thank you."

Speaker Turner: "...your intent. The Lep... the Lady from Kankakee, Representative Dugan, what... for what reason do you rise?"

Dugan: "Yes, Speaker. I would also like to be recorded as a 'yes' on House Bill 404."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Speaker Turner: "And the record will so reflect your intent. On the Order of Third Readings we have House Bill 500. Representative Mautino. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 500, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 500 is the Consumer Choice of Benefits Health Insurance Plan Act. It allows individuals to choose accident or health insurance plans offered by insurers that may exclude in whole or in part certain state-mandated health benefits in order to reduce the cost of an individual's policy. This Bill we debated last year quite extensively. It passed from the House, but at that time it covered group plans for small employer health insurance. This year the Bill has been amended and it affects only individuals. Now, where individual policies can be purchased in the State of Illinois these individuals would be shown a fully-mandated policy and then would also be able to choose the appropriate level of insurance that they would like for themselves. Where this plan has been introduced we've found that 40 percent of the people purchasing these policies have been previously uninsured. So, it does provide an option for people who are looking at what's offered in the state today, can't afford it. This would let them choose a plan that fits their needs and be covered by insurance. Be happy to answer any questions."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Speaker Turner: "The Gentleman from Cook, Representative Miller, for what reason do you rise?"

Miller: "May the Sponsor yield?"

Speaker Turner: "Indicates he will."

Miller: "Representative Mautino, you discussed... I know we... In your earlier comments, you talked about the difference between this Bill and last year's Bill. And you said, I think, the difference was just between the issuance of a group policy versus individuals. Can you elaborate on that just a little bit?"

Mautino: "Can you repeat the last part of your question? I couldn't hear you over the chamber."

Miller: "The difference between last year's legislation and this year. You talked about group versus individuals."

Mautino: "Yes, that's correct. Last year dealt with small employer groups and in listening to the Members here and some of the other organizations out there, they said it would be best if we allowed this only for individual coverage and not available for groups. So, the Amendment actually did that."

Miller: "So, this is anybody in the State of Illinois or ju... or who... who would this apply to exactly?"

Mautino: "Any individual who wished to purchase insurance. Now, currently, I... these... the mandate laws would not apply to anyone who's covered under the Employee Retirement Security Income Act, ERISA, or if you're in a... that's basically a union plan or what we're covered in the self-funded. And if you already have a group plan, a small group plan, you

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

wouldn't need this. This is for those who don't have either of those two options."

Miller: "And is the goal just to try to reduce cost or... what is... what is... why are you doing this?"

Mautino: "The goal is to: 1) im... to reduce cost, but also to allow an individual to custom make his policy or her policy to get the coverages that they need and omit any of the coverages that are required of small group plans and individual policies prior to this Bill passing. So, for example, if I wanted a... a policy for myself and I did not want to have diabetes self-management covered, infertility covered, I could choose a cafeteria-like plan and eliminate each of those and by doing that reduce my cost and still maintain all the hospital coverage, the major medical and those that I deem I... I need for myself."

Miller: "To the... to the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Miller: "You know, it's very difficult to... and I'm not gonna elaborate on it because I was against this Bill last year and I'm against this this year. You know, it's very difficult to predict what happens to any of us at any time at any... for any given loved one at any period in our lives. I go back to my... my niece who... who was diagnosed with a rare liv... liver disorder... disorder at... at the age of two and thank God she's with us today treated by some very caring doctors and a wonderful hospital system. We don't know if one of our loved ones or our self and some of us may think that we're crazy, but may... may be a mental disorder. We don't know with the deadly disease of cancer that a simple

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

spot on our chest or simple spot on our lip or a simple spot somewhere turns out to have metastasized and spread all over our body to cause a serious illness. Unfortunately, we don't have that crystal ball. Many of the... the things that are excluded in this, these are things that happen to us in real life. Insurance is just that, insurance to prevent something bad from us from happening. Many times in my dental office patients don't know what they have under a dental plan. They don't know if it's a PPO a HMO or whatever is covered or is not covered under their plan. Unfortunately, whether it's the ignorance of the patient or whether it's the... something dealing with the insurance company, we don't know what the cause of it, but the point this is a piece of legislation that I don't think we should support and should vote 'no' on is because we don't have a crystal ball to know what's gonna happen to us. We don't know when that loved one is gonna suffer some undue illness that will leave us devastated. Insurance is to help provide coverage for us in times of emergency. We don't know if we're gonna get into a car accident on the way home from this... from this Capitol. So, I would urge all Members of the General Assembly to very carefully look at this legislation, but to also vote 'no'."

Speaker Turner: "The Lady from Cook, Representative Feigenholtz, for what reason do you rise?"

Feigenholtz: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Feigenholtz: "Representative Mautino, I was one of the most vocal opponents to the past... to the legislation that you

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

passed out of here last year that fortunately did not become law. And I know that many of us were very, very concerned about the fact that employers were going to be dictating how to bundle some of these plans and were worried about discrimination. You actually responded by drafting a Bill, House Bill 500, that deals with one individual making decisions about what kind of coverage they have. I will tell you that I do have... although you and I have been working on this, I have, for the record, some questions for you and some continuing concerns based on what you have heard from Representative Miller, clearly there are some opponents on this Bill who have those same concerns. And I wanna make sure that they are philosophical in nature. I mean, I think that a lot of people in this chamber would like to see a better health care, but a lot of us have a lot of self-employed individuals who do not purchase health care because they can't afford it. And I'm hoping that this might be a way, but I wanna be very careful, so here are my questions. Which mandates will be made or are made voluntary by this Bill? So, essentially, what specific mandates does this apply to?"

Mautino: "Thank you very much for the question. And first of all, whenever you're offered one of these policies, you must be offered in that... in the policy structure itself, a fully mandated option which covers all mandates. So, as the previous speaker said, his concerns would be allayed by checking the box and saying I want that coverage. Now, that has and you..."

Feigenholtz: "But wa... wa... wa... wait."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Mautino: "Yes."

Feigenholtz: "You... he... I... I... I..."

Mautino: "Let me go to your question first and then I'll... I'll return. The mandates that must remain are all of the federal mandates that have to be in every policy regardless whether it is ERISA, whether it is group health, whether it is individual. That would be the... the mastectomy, post mastectomy care, reconstruction, the guaranteed... the continuation of coverage would have to be there along with all those that are federally mandated..."

Feigenholtz: "So, under the circumstances..."

Mautino: "...and... and also adopted-child full coverage. Anything which is currently within the statute."

Feigenholtz: "So... so, for instance, like an automobile policy. I can choose how much... I can choo..."

Mautino: "Can you speak up a little bit, please?"

Feigenholtz: "...I can choose on an automobile policy what I want in comprehensive and what I want in collision, correct?"

Mautino: "Right."

Feigenholtz: "But in this design, you are either opting in to purchase one of these coverages or opting out. Is that correct? So, it becomes an all or nothing proposition."

Mautino: "No. That is not correct. The way the current law exists an individual can buy a fully-mandated policy or they can buy a bare-bones policy. You cannot do a cafeteria plan and choose which mandates you would cover under Illinois law. So, this would allow for very similar to what your teachers have been doing for 50 years. I wanna plan that will cover this, this, this and this and you can look down

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

the list of 19 mandated coverage which is in your analysis and see that maybe you don't need... I'm 50 years old, we're past our childbearing years, I don't want the infertility coverage. So maybe that'll lower the cost couple percent. I can opt out of that."

Feigenholtz: "But are there any other things on that list that will affect you, health wise, like what Dr. Miller talked about, that you may end up having to pay out-of-pocket because you've waived that? So, what if... can you... can you read the list?"

Mautino: "Sure. Alcoholism treatment, breast implant removal, cancer, off... off-label drugs, colorectal screening, contraceptives, dental anesthesia, diabetes self-management, infertility, organ transplants, prescription inhalants, preventative health services, prostate specific antigen testing. Anyway, those... But these are some of the items which are currently in mandated statute that must be contained in all... all policies that are sold to individuals."

Feigenholtz: "So, this is... how does this compare to like a, let's say, a catastrophic insurance policy?"

Mautino: "You would have... you would have all of your coverage for any of the items you can choose, the full mandated coverage and then you would have to sign off that you'd been offered that and you would have to sign, also, on which coverages would not be included so that you know and... when you make that choice at the time of the... at the time that you purchase the policy and it would have to be listed as a consumer protection on the front of those policies. You

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

would have all of your hospital coverage, your outpatient coverage that any other normal insurance would have."

Feigenholtz: "And everything else on that list, if I wanted it, I'd have to pay out-of-pocket for it?"

Mautino: "Or opt for full coverage, yes."

Feigenholtz: "Okay. Can you tell me... Currently, all of the individuals who have health coverage, are they gonna be offered to downgrade to this consumer choice plan?"

Mautino: "No. They will be offered to, at the time of their renewal or... and a lot of people don't have insurance that are buying these now."

Feigenholtz: "So, is... everyone who has..."

Mautino: "Will... they'll be offered a fully-mandated plan at that price and then they'll be offered different levels of pricing to fit whatever they need in personal coverage and can afford."

Feigenholtz: "So, and as you said earlier, they can't pick off the menu of mandates. It's either all or none."

Mautino: "Under the current law, today, as it sits, correct."

Feigenholtz: "But under this law, I'm gonna be able to say, I don't... I'll pay for my own mammography, I'm not gonna need infertility treatments..."

Mautino: "No. Mag... mammography, those... that's one of the federally covered mandates which must be..."

Feigenholtz: "All right. But... but the question I'm asking you is..."

Mautino: "...exist in all."

Feigenholtz: "...I can pick off that list. I will be able to pick off the list individually..."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Mautino: "Correct."

Feigenholtz: "...or not? Okay. Currently, I'm not allowed to do that."

Mautino: "Correct."

Feigenholtz: "Okay. And so if I went into the hospital and needed a test that I had waived my right to purchase, I would have to pay for that out-of-pocket..."

Mautino: "Correct."

Feigenholtz: "...my insur... Okay. Now, the last question here is, is there any independent data which was not commissioned by an insurance company, Representative Mautino, that shows the causal effect of these types of policies on the number of insured? And... and when you figure this, you have to subtract out the number of people who would have become insured anyway and the number of people who became insured, as a result of a heavy mar... of heavy marketing?"

Mautino: "On the question itself, I do not... I know of institutes that we rely on for a lot of our state numbers. Kaiser is very... very well known. They put out mandated coverage numbers every year."

Feigenholtz: "I'm sorry. I really can't hear you. Can you speak more clearly."

Mautino: "Certainly. The only insurance numbers that I can call to mind right now would be from the Kaiser Institute that shows basically what the cost of additional mandates are. But I haven't seen any specific report with the numbers that you were looking at."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Feigenholtz: "But you did, in committee, talk a little bit about Texas and that... Is Texas the only state that has done this?"

Mautino: "No. There are... there are other states, but this plan was... was designed and first implemented a year ago in Texas and about 6 months into the program, there were about 25 percent of the people that were buying it were previously uninsured and that number has risen now, as was testified to in committee, to about 40 percent of previously uninsured people are choosing what option of coverage they need so they would have insurance."

Feigenholtz: "Can you tell everybody what the standard premium and deductible is on these types of policies in some of the states that are already employing this?"

Mautino: "Off the top of my head, I can't, on the individual market, but you can figure that an individual policy is running anywhere from 5 to 600 dollars per month as a... as an average."

Feigenholtz: "And what is the deductible on that?"

Mautino: "Whatever level you choose on there."

Feigenholtz: "So..."

Mautino: "You can choose... you can choose different plans to fit your needs on... in the individual market."

Feigenholtz: "Five or six hundred dollars a month sounds like a plan that should have full... all the mandates stay in..."

Mautino: "No, no. I'm... I'm talking about what an average insurance policy is going for out there. I don't have a... a cost on this specifically."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Feigenholtz: "I'm talking about this. I'm talking about if I'm sitting in front of my employer... if I am trying to work with an insurance agent and I ask that insurance agent, ya know, and I can't afford all of this. I can't afford a \$700-a-month full coverage policy. I need to look at... I need to take some of the mandates off of my policy. Which I can do, right?"

Mautino: "Yes."

Feigenholtz: "If this becomes law."

Mautino: "Correct."

Feigenholtz: "Wha... If I take off... if I'm beyond my childbearing years, what is my cost savings gonna be? I mean, I think that part of the question that people have with this is, is it worth it? Is it worth the gamble? The Texas Unicare Plan apparently has a \$2 thousand deductible."

Mautino: "As does our CHIP Plan and employer manufacturer plans, too."

Feigenholtz: "I mean, ultimately... I know that. But ultimately..."

Mautino: "Right."

Feigenholtz: "...we want this to be a savings to the consumer and there's a..."

Mautino: "But we also want to have the consumer be able to purchase a policy that fits their needs and they can afford in there as well. I mean, I... I understand what you're saying, but it is the individual who has to choose. If they have those concerns, they can choose the fully-mandated policy which they must sign off on and they can choose any level of coverage from a \$250 deductible up to a \$2 thousand

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

deductible regardless of... I mean, that's just their choice and their... whatever their ability to pay would be."

Feigenholtz: "So, you're saying that the standard premium is about 5 to 600 dollars?"

Mautino: "I know that that's what in, as an employer, group... group premium. This is what I pay. I mean, I'm in a group health plan, I'm not in the individual market. But I mean, that's basically what a fully one costs us."

Feigenholtz: "Representative Mautino, you know, I have a lot of single people who are consultants that live in my district that call my office all the time struggling to find an affordable insurance plan and I feel that I need to help them which is why I have looked at this Bill very, very carefully. I do have trepidations, though. My fear is that there may be unintended consequences, as Representative Miller said earlier, for people who don't really know what they're doing and I think that... Ya know, I... I guess I'm going to take a leap of faith and support your Bill, but I want you to know of the grave concerns that I have of people who are going to end up with incredible costs. And I hope as this Bill works through the Senate and we continue to analyze it and get some of these questions answered that... that we look at it very, very carefully. But thank you for your work on this Bill. I hope it will bring the number of uninsured in this state down."

Speaker Turner: "The Lady from Cook, Representative Flowers, for what reason do you rise?"

Flowers: "Will the Gentleman yield?"

Speaker Turner: "He indicates he will."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Flowers: "Representative Mautino, I'm really trying to understand the purpose of your legislation. Can you help me, please? What is the purpose of this legislation?"

Mautino: "The purpose of this would be to allow individuals who don't have a group plan or who are purchasing their... their own insurance for themselves to be able to custom make or purchase a plan which has fewer mandates than what we allow now in the law. And by doing that, I'm hoping that some other people who currently aren't insured will become insured because it becomes of value to them."

Flowers: "So, when you... you're saying that an individual could kinda tailor make their own insurance plan with this legislation, if it were to become law? Am I correct?"

Mautino: "Very similar to what we do with our General Assembly health insurance plan, yes."

Flowers: "Well, I'll debate that issue with you later, but right now I'm gonna stay with the one we have in front of us. So, how do we separate... Ya know, in picking the body parts, ya know, how do we separate what's gonna be covered and what's not?"

Mautino: "You, as the person buying the policy, would choose that."

Flowers: "Well..."

Mautino: "And it's not covering the body parts, Mary. What we're talking about is the Bill will still have all federal mandated coverage which all policies must contain. It will also have full hospitalization, we worked that out with the hospitals. We met with many groups over the past 2 years. We will still have continuation of coverage if someone loses

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

their coverage for access to the COBRA plan. We will still have coverage for and guaranteed for adopted children. And then each person must be offered a fully-mandated plan, all of the 19 state mandates, and they look at those and if they choose something else they have to sign. And then whatever level they choose, whatever they choose not to have covered then will be listed on the front page of the policy and they'll sign that off. So they have a full understanding of what they're buying. That was the thing that was stated to me last year about if it was truly consumer choice then they should know what they're buying. And we took that into consideration in those protections."

Flowers: "Well, I guess, Representative, that's the... the part that's most confusing to me. On one hand you're saying that it will have all the federal mandates, but you're going to exclude..."

Mautino: "I can't hear you."

Flowers: "Oh, okay. You're going to exclude the state mandates. So, for instance, if I have cancer and it spread... let... I'm just trying to figure out what part of my cancer would you not cover under this legislation? If it..."

Mautino: "The requirement for preexisting condition remains. So, if you have this, the can... you buy the policy and you have... have coverage for it, you can't lose that. All you would do is just check you want full coverage."

Flowers: "No. Well... But I'm not getting full coverage."

Mautino: "No, if you... if you want it, it's there."

Flowers: "Well, then why do we need this legislation then?"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Mautino: "Because you may not want all the coverage which is in there. You may want it... you may not be able to afford because each time we add a state mandate which we have 19 now, there's another 19 pending in committee. Each time we do that more and more people tend to lose health coverage simply because they can't afford the increases in the premium. So, this lets you, as an individual, choose what level, what deductible is appropriate for you."

Flowers: "Representative, here are some of the mandates, these are some of the state mandates: contraceptives, anesthesia for dental. So, if I need some dental work done and it's gonna hurt, I could die from the pain but you're saying, under this plan, I... and if I opt not to get the anesthesia, I'm just... I'll just have to suffer the pain. Am I correct?"

Mautino: "I'm sure the dentist would give you the anesthesia. You would have to pay for it."

Flowers: "No, no, no, no, no, no, no. I'm sure the dentist out of the kindness of his heart..."

Mautino: "But it has been your conscious choice."

Flowers: "But, but..."

Mautino: "That's the idea of choice."

Flowers: "But my point to you, Sir, and this is my whole point of the legislation. You know, I didn't know that I was going to have a dental extraction, but you know and I know that chances are when you do go to the dentist it's gonna hurt. And so as a result of the pain, you're going to eliminate and I'm going to choose because today I have no pain so I'm going to eliminate the anesthesia and then when I go to the doctor and he has to give me a root canal, I

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

would have to pay that out of my own pocket. You'll give me the dental work, but you will not give me the anesthesia.

Am I correct?"

Mautino: "If you choose..."

Flowers: "Not uh..."

Mautino: "...otherwise you would choose policy A instead of policy B or C."

Flowers: "But you know, if I say, Sir..."

Mautino: "I..."

Flowers: "...if I may say, that, you know, if that's what we want..."

Mautino: "I personally would... I would choose to re... keep the policy that has dental anesthesia in it."

Flowers: "Well, and I'm glad you said that..."

Mautino: "Maybe I would..."

Flowers: "...and that's the reason why..."

Mautino: "...I would say I probably don't need the contraceptive coverage or the in vitro fertilization, which can drop 3 to 5 percent off the cost of the premium."

Flowers: "Well, then let's... let's go to the contraceptive coverage, let's go there. Now, I may be too... I may not be of childbearing age, but I may have a problem that... because we do know contraceptives..."

Speaker Turner: "Rep... Representative, we've had 5 minutes. I'm gonna give you another minute. I know that the timer was not on, but we have a number of people that wanna speak. So, we'll give you another minute..."

Flowers: "Well..."

Speaker Turner: "...and then the timer will be on."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Flowers: "...to... to the Bill, Mr. Speaker and Ladies and Gentlemen of the House. You know, I'm... I'm truly appalled by this because none of us know what tomorrow's gonna bring. And we cannot be insured by body parts, ya know, we're all connected. You cannot take my arm from the rest of my body and say you'll work on this and you won't work on that. I think this is a very bad Bill. And the only person or the only people that I know that's gonna benefit from this legislation will be the insurance companies not the people of the State of Illinois and unfortunately, a lot of people have insurance and they think they can go to get have the coverage and when they get to the hospital or they get to the doctor's office, they say, I'm sorry, we can't give you this and we can't give you that because it's not covered. This is a very bad Bill. And I would appreciate a 'no' vote."

Speaker Turner: "The Lady from Lake, Representative May, for what reason do you rise?"

May: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

May: "Yes. Representative, I thank you so much for your work on this issue and I certainly respect your knowledge and bringing this forward. I absolutely agree that making it for individuals is much more of an improvement over last year. Now, to the question. Do you cover preventative services, such as colorectal screenings? This will be a choice, correct?"

Mautino: "Correct."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

May: "So, I will check off if I want colorectal service... services, diabetes management, prescriptive inhalants. Do you envision that you could add to the Bill exactly how much would be saved by dropping and not choosing these things, because as you and I know we've worked in trying to cover the insured, that there's very little cost in the preventative. So, my fear is that someone will opt out of this, it doesn't really save money. Would you agree with that that preventative such as colorectal screening or prostate testing don't really save a lot of money on the premium?"

Mautino: "Actually, we're talking about the difference things that may or may not be opted out of, but the point is, in the structure of the plan right now, if you are a woman who is divorced with a couple of kids, you're not the Medicare age, you don't have a group plan to go to, you have no options. So, you may want to... your option is only the individual market. And say your, you know, you've got COBRA that's gonna end, this would have your continuation of coverage for COBRA. You can choose a fully-mandated plan, if you can afford it or you can choose some other level that does fit your need. It's completely based on what you need. If those are your concerns, then you should opt for the complete... the plan 'A', complete coverage. I mean, it's... you're, in many cases, the option is, I can't afford what's being offered to me because we have these things that I don't really need in the policy."

May: "But isn't it true that the true costs are in maternity coverage and in vitro. That there are large costs there."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

And I could understand why someone who's not... doesn't have a family or an individual would not choose that because it indeed would add a lot to the cost. But something such as preventative doesn't add that much to the cost. That's..."

Mautino: "And they could have a wellness policy option. The point is no policy in Illinois now is allowed to have a wellness policy option. You can either have everything or you can have nothing. You've studied this issue for a couple of years. There is no middle ground that a person can say, you know what, maybe I can afford \$300 a month to have this coverage, but I know I can't afford 5 or 6. It just doesn't fit into my plan. This gives 'em an option they don't currently have in Illinois, but they have in other states."

May: "I understand that, but I hear from so many people that one of the biggest complaints, other than not being able to afford insurance or not having coverage, is that they paid good money for a policy and then when they get to the doctor's office or the hospital, nothing is covered. And I... my... my only fear is that this will exacerbate that problem."

Mautino: "Well, with this policy if you, once the safeguards are set in there, you sign off on what coverage you have at the time. If you choose anything below a fully-mandated policy, it has to be laid out on the front page exactly what you chose not to cover and then you must sign it. So, to say... I don't buy that the person is not informed. They're probably more informed than an average person buying a policy 'cause they gotta know. Under plan 'A', this is what you have. If you choose some level below that, this is what you have."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

That's a consumer protection which was very rightly put in by some Members of our committee."

May: "Would you consider... Don't you think... You know, a question here. Would you consider adding right there where someone is checking off and initialing that they don't want it, could you give some idea of what they're saving? How much would they saving if I... if I defer..."

Mautino: "That would be up to the person marketing the policy. I don't think we would put that in State Law. But I mean, I'm sure that you would wanna know if this plan is 500 and this one is 300 or... They'll have a way to calculate it. I don't think we need to put that in the Bill. But any..."

Speaker Turner: "Representative May, you have one more minute."

May: "That... you've heard my concerns that preventative issues such as colorectal screening, prostate testing, perhaps, diabetes management will save us money in the long run. My fear is that people will opt out of something that will not add a lot of cost to the premium and then be surprised. And we, as a society, will be end up paying more money for them because they are not covered. That... that is my concern."

Mautino: "I appreciate that."

May: "You've made a lot of progress, but I really wish you would put in preventative measures that would save us money in the long run."

Mautino: "I would appreciate that. Unfortunately, many of the things we tell people that they need for their own good, whether they need them or not, has made insurance unaffordable to a lot of people. They can still cover everything they want or choose a level while fulling no..."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

fully well knowing what they're gonna have. I appreciate your comments and your work."

Speaker Turner: "The Lady from Cook, Representative Yarbrough, for what reason do you rise?"

Yarbrough: "Will the Sponsor yield, please?"

Speaker Turner: "Yes, he will."

Yarbrough: "Thank you. Representative Mautino, hi. You know, initially I was against this Bill and I know you've made some significant improvements to it and I'm glad that you changed it. I'm glad that you changed it from a employer Bill to an individual Bill. But for the record, would you define... is this a cafeteria plan?"

Mautino: "One more time?"

Yarbrough: "I can't hear you."

Mautino: "I can't hear you. No, what... Is this a what?"

Yarbrough: "Is this a cafeteria plan? Is this like a cafeteria plan where you choose?"

Mautino: "That's... that's what we're trying to structure here which we can't do currently."

Yarbrough: "Okay. And in a cafeteria plan, just like the cafeteria downstairs, you can actually select what you want to eat, is that correct? And it's based on..."

Mautino: "Yes."

Yarbrough: "...what you want and also if you pay for what you want as well, right?"

Mautino: "Yes."

Yarbrough: "Okay. One of the speakers... previous speakers said something about that insurance prevents, but in fact,

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

insurance doesn't do that at all, it responds. Is that correct?"

Mautino: "That's correct."

Yarbrough: "Okay. The... the last thing. I'm really glad that you've brought this legislation forward and I'm glad that I can now support this legislation. Some of my colleagues, though, are concerned about the opponents on this Bill. So, can you tell me why we still have the Citizen Action... Did you hear me? Why are all of the unions still against this Bill as well as Citizen Action?"

Mautino: "The Citizen's Action, the young man who testified in committee, stated that he didn't think individuals had the capability to make their own choices. Now, if... on this planet, I think we do. But I... I disagree with that format that the individual can't understand or choose what he can afford. I think that was in a question directed or at Representative Parke, actually. But with the unions, there are some other plans out there that people are looking for: the Dirigo Plans out of Maine, which would offer some insurance. They would rather see it done on that type of a level and I don't disagree with that. I know that a Dirigo-style here in Illinois would require us to set aside from GRF \$250 million, so it's not gonna happen. So, I mean, there are some good things that are out there and they would rather see that than a plan like this which is different than what they wanted. So, that's the major concern that I had heard. Now, this affects no unions because all unions are covered under ERISA plans, exempt plans. So, they can pick and choose and they can do, right now, what a 50-year-

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

old farmer from Bureau County can't. But that's the basis of the objections."

Yarbrough: "Than... thank you, then. I intend to support the Gentleman's Bill. Thank you."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Black: "Representative, let's see if I can summarize some of the illuminating and enlightening comments I've heard. Your Bill allows people to make an informed choice, correct?"

Mautino: "I wish I'd have said that. I think I might've, but, yes."

Black: "What... what a revolutionary idea. We're going to let people make an informed choice. You know, some people wrap themselves in the mantra of choice, but then when you give an individual the right to make a choice on insurance coverage somehow that's a bad idea. Can you... can you explain that to me? And I... I... I can't understand it. I thought maybe you had some insight as to why giving an individual the right to make an informed choice is bad public policy."

Mautino: "I would say that's a good thing."

Black: "Well, I... I gave you a copy of an article that appeared in Sunday's Chicago Tribune in the Money Section and a column or an article written by Janet Kidd Stewart. The headline is Chance to Cut Health Costs is a Huge Benefit for Workers. And she goes on to outline what some of these

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

informed choices have been able... how much money some of these people have been able to save. But in your case, she writes about a group plan through FedEx. Your... your Bill only kicks in if an individual wants to buy an over-the-counter individual health plan for himself, herself, or their family, correct?"

Mautino: "Correct."

Black: "Let me... let me see if I can... I think I can come up with a scenario. I'm in my sixth decade. I get laid off by my company. They give me all the required material by law and I can maintain my group plan through COBRA for \$750 a month. But I've just been laid off, I can't afford \$750 a month. I might be able to continue it for two or three months, so I have to go out and look for some coverage. And your Bill will allow me to go to an agent or a broker and kind of pick out what I need, correct?"

Mautino: "Correct."

Black: "Now, I'll use myself as an example. I don't need colorectal screening. I've been there and done that. I've had cancer of the colon. Everything there was surgical removed 42 years ago. So, I don't need colorectal cancer screening, do I?"

Mautino: "No. But that would be your choice."

Black: "That would be my choice."

Mautino: "An informed choice."

Black: "An informed choice. My wife and I get together, she's in her sixth decade, had surgery a few years ago, we don't need contraceptive coverage. We don't need that. Not unless there's a miracle that I'm not familiar with, we

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

don't need contraceptive coverage. So, we can eliminate that costly mandate, couldn't we, by informed choice."

Mautino: "Yes."

Black: "And since we're in that position, we obviously don't need infertility coverage, so we can eliminate that mandate by informed choice."

Mautino: "Yes."

Black: "But I can come up with a policy that I can afford that covers my basic health and God forbid, hospitalization needs, correct?"

Mautino: "Correct."

Black: "What a unique idea you've come up with, Representative. By giving people the right to make an informed choice to buy an individual policy that affords them some level of coverage that they can afford and that they choose by a matter of informed choice that they think they need then they're covered rather than have no coverage, correct?"

Mautino: "That's correct."

Black: "I commend you on working out most of the opposition to the Bill. I commend you for carrying this idea forward. There are thousands of people in this state who could benefit by this Bill becoming law. It doesn't force anybody to take anything that they don't want and if you cloak yourself in the cloth of choice, being the only mantra that you wanna use, then don't come to me and say, 'but I only believe in choice selectively.' This is my right to make an informed decision by my choice when I no longer can get or am eligible for a group health insurance policy. It gives me the option and the choice to have some measure of health

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

insurance that I think will protect me in the latter years of my life. I see nothing wrong with that idea. You have gotten most of the opponents to sign on as proponents. It's a good idea. It certainly beats putting all these people on Medicaid. I urge everyone to vote 'aye'."

Speaker Turner: "The Lady from Champaign, Representative Jakobsson, for what reason do you rise?"

Jakobsson: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Jakobsson: "Thank you, Representative, for bringing this Bill to us. I have one question and I'm just not sure I know the answer to this. When renewing a policy..."

Mautino: "One more time."

Jakobsson: "Okay. My question is, when renewing a policy, you know, annually or whatever it is, does one have the option of opting back in to things that were opted out?"

Mautino: "At the... at the time, once they're granted the coverage in there, can they make a change at the time of their renewal?"

Jakobsson: "Yes?"

Mautino: "Yes."

Jakobsson: "That's my question."

Mautino: "Yes. Yes."

Jakobsson: "Okay, good. Well, thank you. That... that answers that question. To the Bill. I think a lot of us have talked about affordable health care and I think this offers that opportunity for the people of Illinois. I urge an 'aye' vote."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Speaker Turner: "The Lady from Cook, Representative Davis, for what reason do you rise?"

Davis, M.: "A few questions, Mr. Speaker. I'd like to know, Representative Mautino, what happens if an individual is not covered for one of the... is it about 19 state mandated things that they have to be covered for. Is it about... how many does the state have, about 19?"

Mautino: "Monique..."

Davis, M.: "Yeah."

Mautino: "Could you repeat that, please? I couldn't hear you over the noise in the chamber."

Davis, M.: "Okay. First, I would... I'd like to know how many mandated issues are there in the state. How many things are insurance companies required to include in their insurance plans?"

Mautino: "You mean, the mandated coverages that we've put on?"

Davis, M.: "Yes. That is correct."

Mautino: "There's about 19 additional, that's over and above your hospital major medical coverages that are out there. But there are 19 different illness du jour, if you were and they are listed right in the analysis."

Davis, M.: "Okay. Now, under your plan, Representative, if someone chooses not to be covered... Let's say you have a 60-year-old man and he doesn't wanna be covered for childbirth. However, however, at some point he does remarry and there's a young child born. Who pays for that?"

Mautino: "I would think that when he purchases a policy, if he is getting married to a woman of childbearing years, he may

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

wanna take option 'A', which would be full coverage of all mandates. If he chooses..."

Davis, M.: "But let's say he doesn't. Let's..."

Mautino: "...if he chooses less, then he pays for it. That's the answer."

Davis, M.: "I'm sorry. I didn't hear you."

Mautino: "If... if he chooses not to have that coverage, then he pays for it."

Davis, M.: "Suppose he doesn't have the money."

Mautino: "Then he probably wouldn't have had the money to buy the policy, as well."

Davis, M.: "No, he had the money to buy a very limited, cheap policy. He had the money for that, but he didn't have the money to buy or he thought he didn't have the money to buy a policy that would fully cover him. Now, my question, Representative, is..."

Mautino: "If he didn't have..."

Davis, M.: "...who will pay the fee? Is it the State of Illinois?"

Mautino: "Actually, under a situation like that, if he went to a hospital under the Tax Code, they have a charitable care status in which they would be able to take a double deduction on that. The hospital would write it off."

Davis, M.: "Thank you, Mr... thank you, Representative."

Mautino: "You're welcome."

Davis, M.: "To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Davis, M.: "I believe that some Legislators set in these seats and realized through information someone provided them with

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

or a careful study that they're about 19 issues that we should make certain people are insured for. This process was not done willy-nilly. Someone decided, after very careful study, that people needed to be protected with insurance from certain elements, diseases and so forth. So, in my opinion, for us to just all of a sudden wipe that out and say it's gonna be based on individual choice, these individuals may not have the information that the Legislators had when they put this into legislation. These individuals may not realize what a catastrophe could occur in their lives, in their families, if they're not properly insured, but the person to pick up the tab will be the State of Illinois. Illinois taxpayers will pick up the tab for those who are underinsured. I believe that as responsible Legislators, who are really interested in saving money for the taxpayers, we would make sure that people are completely covered and all of those mandated coverages should remain in place. And I urge a 'no' vote."

Speaker Turner: "The Lady from DuPage, Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. Will the Speaker (sic-Sponsor) yield?"

Speaker Turner: "He indicates he will."

Bellock: "I just wondered if the Mental Health Association had taken a stand on this."

Mautino: "Yes. Oh, actually, I believe they're neutral at this point."

Bellock: "Okay."

Mautino: "And it's with this language, I was supposed to give you a copy of it. Can I do our legislative intent? Can I

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

have... Hold one second. The concern, when you were one of the Sponsors of the mental health coverage, is that..."

Bellock: "Yes, that's what I was..."

Mautino: "...it remain in group plan."

Bellock: "Yes."

Mautino: "And with this Bill it does that because we're talking about individual policies only."

Bellock: "Okay."

Mautino: "So, if you'll take a look there, we'll just do this for legislative intent."

Bellock: "Okay."

Mautino: "You're up."

Bellock: "I know I had received a lot of e-mails. I thought that they were okay with it, but I just wanted to check and they're not..."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino to close."

Mautino: "Thank you very much. I appreciate the spirited debates. I'd like to ask for an 'aye' vote. This will give informed consumer choice and where it has been in place, 40 percent of the people who have bought these policies were previously uninsured. Thank you much."

Speaker Turner: "The question is, 'Shall House Bill 500 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 96 voting 'aye', 17 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

declared passed. The Gentleman from Win... The Gentleman from Winnebago, Representative Sacia, for what reason do you rise? If we could have the Membership's attention, please."

Sacia: "Ladies and Gentlemen... Mr. Speaker, is it your intention to read the Resolution first?"

Speaker Turner: "Mr. Clerk, can you read House Resolution 47, it's a Death Resolution."

Clerk Bolin: "House Resolution 47, offered by Representative Sacia.

WHEREAS, The members of the House of Representatives of the State of Illinois learned with great sadness of the combat death in Iraq of Lance Corporal Neil D. Petsche, United States Marine Corps, of Lena, on December 21, 2004; and

WHEREAS, Neil D. Petsche was born on September 9, 1983, in Freeport to Dave J. Petsche and Carol (Winters) Petsche; he graduated from Lena-Winslow High School in 2002; he was a member of St. Joseph's Catholic Church in Lena; and

WHEREAS, He was active in the Boy Scouts of America, especially Troop 91 of Lena, achieving the rank of Eagle Scout on September 8, 2001; he was a former member of the Lena-Winslow High School Band, where he played percussion instruments; he was an avid paintball enthusiast and also enjoyed collecting movies, swimming, working 3-D puzzles, and listening to Metallica; and

WHEREAS, Prior to graduation from high school, he enlisted in the United States Marine Corps; following his graduation, he entered basic and advanced infantry training at Camp Pendleton, California; he was stationed at 29 Palms, California; and

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

WHEREAS, Lance Corporal Petsche was a member of Company A, 1st Battalion, 7th Marine Regiment, 1st Marine Division, United States Marine Corps; he was serving a second voluntary tour in Iraq; he did not have to be in Iraq, but signed up to go back because he felt he and the USMC were truly making a difference; he was the fourth generation military serviceman in his family; and

WHEREAS, Neil is remembered by his family for his smile, his love of life, and his willingness to lay down his life for his country; he was a dependable, diligent, quietly determined person who believed his efforts in Iraq would make a difference for the better; and

WHEREAS, The passing of Lance Corporal Neil D. Petsche has been deeply felt by many, especially his mother, Carol; his father, David; his brother, Steven; his sisters, Jolene Petsche and Cheryl Petsche; his paternal grandparents, Marvin A. (Irma E.) Petsche; his maternal grandparents, Norvin (Irene) Winters; and his many aunts, uncles, and cousins; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Lance Corporal Neil D. Petsche, USMC, and we extend our deepest sympathy to his family, friends, and all who knew and loved him; and be it further

RESOLVED, That we honor the memory of Lance Corporal Petsche and his willingness to serve his country, which led to him making the ultimate sacrifice; and be it further

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

RESOLVED, That a suitable copy of this resolution be presented to his family as an expression of our sincere condolences for their loss."

Speaker Turner: "The Gentleman from Winnebago, Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'm joined with my Senator, Senator Todd Sieben and we are joined in the gallery today by the extended family of Lance Corporal Neil Petsche. I did not have the privilege of knowing this young Marine. I did have the privilege of attending his funeral along with Lieutenant Governor Pat Quinn and well over 500 individuals from the small, rural, northwestern community of Lena. To late... to say that Neil Petsche was one of America's finest would truly be an understatement. The impact that this young man made on his community, the United States Marine Corps and truly the nation as a whole we can't even begin to comprehend. Neil's body was accompanied to Lena by two fellow Marines from his unit in Iraq. And as you heard, Neil did not have to be there. He had already served with honor and distinction one tour. He asked to go back because he felt so deeply about what the Marine Corps was doing and the good they were accomplishing in Iraq. Neil was a gunner on a Humvee that overturned. Obviously, in evasive action. The community that turned out on the day of his funeral was literally amazing. Those that spoke to the testimony of this tremendous young man and among the speakers and how hard this must have been was his lovely sister Jolene who is in the gallery today and right now she's shuddering hoping I

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

don't tell this story, but I have to. She brought some levity to a very sad situation. And though I have no way of knowing if this is actually what happened, I can't help but believe that Jolene and Neil, prior to his returning to Iraq, said something to the effect, 'well, Neil, if something happens to you, I'll drink a beer in your honor at your funeral.' And by God she did it. She toasted him and said, 'Neil, here's to you.' And chugged a Miller Lite. I'm sure there were those that were appalled, but there were also the vast majority that truly appreciated the tribute from a loving sister for a brother who gave his all. President Calvin Coolidge is quoted as saying, 'Nobody is remembered for what they got, they are remembered for what they gave.' This Marine gave his all. He gave it proudly and with distinction. We salute you, Marine. Thank you."

Speaker Turner: "Representative Sacia moves that the House does adopt House Resolution 47. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair is the 'ayes' have it. And the House does adopt the Resolution. Representative Franks, the Gentleman from McHenry."

Franks: "Thank you, Mr. Speak..."

Speaker Turner: "...Do you have a Motion?"

Franks: "A Motion to suspend the posting requirements for State Government Administration for tomorrow we're hav... have a subject matter hearing as well as doing some Bills."

Speaker Turner: "The Gentleman asks leave and leave is granted. The Lady from Champaign, Representative Jakobsson. The Lady from Champaign, Representative Jakob..."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Jakobsson: "Thank you, Mr. Speaker. On February 9, this Body did adopt Resolution #99, House Resolution 99, in honor of Corporal Nathaniel K. Moore, U.S. Marine Corps of Champaign who on January 26 died. Nathaniel Moore was a member of the Marines. He earned his GED prior to graduation because he knew it was a requirement for enlistment. He's remembered as cooperative and always willing to go that extra mile. Mr. Moore enjoyed gymnastics and baseball and was known for his red hair. He was assigned to the First Battalion, Third Marine Regiment, Third Marine Division, Third Marine Expeditionary Force, Marine Corps Base, Hawaii. Prior to active duty, he served as a military police officer. We know that the passing of Corporal Moore has been deeply felt by many. We saw the many people who attended in parade at his funeral procession. And we have with us today his parents, Duane and Amber Moore, his sister, Amanda. We also have his grandmother with us. But I also have with me a letter that Amanda wrote to her brother and she asked if I would share it with this Body. 'A letter to my brother. Dear Brother, why did you have to be a hero? Why did you not come home when you had the chance? Why did you have to be a Marine? You say you would not leave your men behind, you wanted to stay with your men, why? Why did you have to get on that helicopter? Why did there have to be a sandstorm? As I sat at the top of the stairs, I tried to figure out why God had to take you, my only brother. All night I tried to put reason behind everything until in one moment I realized that it's not my job to figure out why you were taken from me. I realize that I should not be asking

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

why but I should be saying thank you. Thank you, God, for giving me a brother, not just an ordinary brother, but a great brother. They say a brother is a gift to the heart, a friend of the spirit and a golden thread to the meaning of life. You were all that and more to me. I always admired how you could make friends with your worst enemy. The way you were so bold and willing to face life head on, whether it was good or bad. You had the courage of a 20-man army and the heart of a Marine. You were my best friend, my rock and my hero. I love you, brother. Always and forever, love, Amanda.' With that, I ask for a moment of silence and gratitude for the life and the gift of Nathaniel Moore and also to remember his family. Thank you."

Speaker Turner: "Thank you. The Gentleman from Cook, Representative Scully, for what reason do you rise?"

Scully: "Mr. Speaker, for the purpose of an announcement."

Speaker Turner: "State your purpose."

Scully: "The Electric Utility Oversight Committee will meet at 9:00 tomorrow morning, not 8:00 as is... as is posted. And for the specific purpose of having a Commonwealth Edison present to the committee its... the tariff which it filed with the Illi... Indus... Illinois Commerce Commission on Friday. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you, Mr. Speaker, for a point of personal privilege."

Speaker Turner: "State your point."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Lang: "Thank you, Mr. Speaker. A decade or more ago I was privileged to be one of the chief cosponsors on a Bill that made Illinois the first state in America to require Holocaust education in our public schools. This came to us from an organization called the Holocaust Memorial Foundation which was in my district and still is in my district. Some of the people from the Holocaust Memorial Foundation are here in Springfield today. They're up on the Democratic side in the corner and I'd like them to stand and accept our applause for their hard work. Additionally, Mr. Speaker, Ladies and Gentlemen, some of the members of the foundation who are Holocaust survivors are going to be in Room 115 upon adjournment for an hour or so. They have stories to tell which are horrific, but are stories that need to be heard and need to be told. And so I would invite as many of you as have some free time to stop down there and greet them and listen to what they have to say. Thank you very much, Mr. Speaker."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey, for what reason do you rise?"

Fritchey: "Initially, Speaker, for purpose of an announcement. And that is that the Judiciary I Committee will meet at 9 a.m. tomorrow. The usual room, but it will be at 9 a.m. instead of 8 a.m. Thank you."

Speaker Turner: "Representative Burke, the Gentleman from Cook, for what reason do you rise?"

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move that the posting requirements be waived for

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

House Bill 1391, that it could be heard in the Executive Committee tomorrow."

Speaker Turner: "Is there leave? Leave is granted. The Gentleman from Lee, Representative Mitchell, for what reason do you rise?"

Mitchell, J.: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Turner: "State your point."

Mitchell, J.: "Mr. Speaker, Ladies and Gentlemen of the House, I rise to announce that I'm down... a very distinguished family is down here today. Brian Duncan and his lovely wife Kelly are in the gallery. He is the president of the Ogle County Farm Bureau and with me and serving as Pages today on the House Floor are his children Levi, Sarah, Emmy... Emma and Molly. Please give 'em a warm welcome. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Giles, for what reason do you rise?"

Giles: "On the purpose of an announcement, Mr. Speaker."

Speaker Turner: "State your purpose."

Giles: "The Elementary & Secondary Education Committee will convene at 8:00 tomorrow morning for the purpose of hearing the various Bills that are in the committee. Right after that, we will convene a... the subcommittee dealing with the School Code waivers."

Speaker Turner: "On... Mr. Clerk, what's the status of House Bill 593?"

Clerk Bolin: "House Bill 593 is on the Order of House Bills- Third Reading."

Speaker Turner: "Representative Moffitt."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Moffitt: "Thank you, Mr. Speaker. I'd like to move 593 back to Second for an Amendment that just... has just surfaced that we... we intend to put on there."

Speaker Turner: "The Gentleman asks leave to have the Bill brought back to Second. All those in favor say 'aye'; all those opposed say 'no'. Leave is granted. The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes. For the purposes of an announcement. Just to make sure that everybody recalls. If you're on the Transportation Committee or have a Bill in Transportation, if it... there are three subcommittees that'll be meeting initially at 2:00, the License & Registration subcommittee; 2:15, the Roads, Bridges & Traffic Safety subcommittee; 2:30, the Roads sub... the Railroad subcommittee; and 2:45, the full committee will reconvene."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey on House Bill 312. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 312, a Bill for an Act concerning schools. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker, Members of this Body. I... I'm humbled to have the opportunity to present this Bill in the presence of the individuals from the Holocaust Memorial. As Representative Lang stated, over a decade ago we saw fit to mandate a unit of instruction on the Holocaust recognizing that it was a lesson to be learned by elementary and high school kids throughout our state. The unfortunate reality is that while the Holocaust was a singularly unique

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

atrocities, the issue of genocide is not simply a history lesson. The issue of genocide is unfortunately a current events lesson. Over the last century, over 20 million people have lost their lives in actual genocide in Europe, in Asia, in Africa and it continues as we speak today. House Bill 312 would expand the teaching of Holocaust study to that of Holocaust and genocide study with focus on the atrocities committed in the Ukraine, in Cambodia, Bosnia, Rwanda and the ongoing tragedy in Sudan. The lessons to be learned here are that for the words 'never again' to truly have meaning it does not simply mean 'never again' to Europeans, it means 'never again' anywhere in the world and we must teach against not just these atrocities, but the global indifference that they've been met by every time. Does this Bill put an additional burden on teachers? Yes, it does. Does it cram an already crowded school schedule? Yes, it does. Is there a more compelling reason to do such a thing? Arguably not. I request your 'aye' vote on this Bill. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you, Mr. Speaker. I rise to support the Gentleman's Motion on the passage of this Bill. Early on in this process there was some frank concern about how this fit in to the current Holocaust mandate. But I must say Representative Fritchey has worked hard and long with many people to draft language that accomplishes his goal but still assures that the teaching of Holocaust in our public schools will be there on a continuing basis and not diluted.

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

So, this additional, yes, mandate, but important one, is one I support, we should all support. And this will go a long way toward teaching our young people the importance of things that are going on around them in the rest of the world not just locally, not just here in the State of Illinois or in the United States. So, I ask for your 'aye' votes."

Speaker Turner: "The Gentleman from Cook, Representative Osterman, for what reason do you rise?"

Osterman: "Thank you, Mr. Speaker. I, too, rise in strong support of the Representative's legislation. As the Representative had mentioned, the lessons of the Holocaust continue to be learned and it is important that we teach young Illinois residents about those lessons, lessons of tolerance, lessons of diversity, lessons of humanity, lessons of understanding our fellow man and standing up against injustice. Also, we are adding genocides that have gone on in recent years. And I also think it is important for young Illinois students to understand that the issues of genocide are not things that have happened 60 years ago, but have happened relatively recently. And within Illinois today there are thousands, tens of thousands of individuals that have lived with the atrocities of genocide, victims of genocide from Bosnia, from Cambodia, from Sudan and from other places. Those individuals' children and grandchildren will be teaching or studying alongside of Illinois-born residents and I feel it is important for children to understand each other, their classmates, where they come from and by enacting this legislation, this will go a long

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

way towards that end. And I would ask everyone to support this Bill."

Speaker Turner: "The Lady from Cook, Representative Bassi, for what reason do you rise?"

Bassi: "Thank you, Mr. Speaker. For a comment on the Bill, if I may. This is a... While I laud the intent of the Bill and I think the idea of having genocide in classrooms is a very good idea, public schools in America today are expected to teach good nutrition habits; train students in pulmonary-coronary resuscitation; give specialized instruction for the hard of hearing, the blind and the neurologically impaired; treat the emotionally disturbed; train the mentally retarded; teach the gifted; do eye testing; give inoculations; teach first aid procedures; provide pregnancy counseling; assist in disease prevention; inculcate morals, ethics and values; collect money to rebuild the Statue of Liberty; stress the prevention of drug, alcohol and tobacco abuse; help students develop political know-how; develop civic responsibility; provide sex education; provide suicide counseling; maintain birth information and age certification data; provide instruction in good health care and AIDS prevention; teach driver training; provide civil rights and racial tolerance; foster integration; teach the principles of free enterprise; provide career information; assist in career planning; detect and report child abuse; teach the telephone numbers and etiquette; instruct in speed reading; eradicate head lice, scabies and other diseases; assist in charity fundraising; provide vocational training; build economic awareness; serve hot lunches and breakfasts;

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

dispense surplus milk; do job placement; promote physical fitness; assist with bilingual language development; counsel delinquents; foster metric education; provide transportation; teach consumer education; counsel students with problems; follow due process procedures; protect student privacy; provide computer literacy; teach them to like broccoli; unteach them the four food groups; teach the pyramid; teach humaneness and individual responsibility; eliminate sex discrimination; assist in bladder control; develop an appreciation of other people and other cultures; promote uses of information; avoid religion and in the long-run teach reading, writing and arithmetic."

Speaker Turner: "Would you..."

Bassi: "And with all due resp... and with..."

Speaker Turner: "...would you care to repeat those?"

Bassi: "Certainly. No, I'll wait. And with all due respect, in spite of the fact that I think the intent is very good, I will respectfully have to be voting 'no' because it adds an additional mandate. I think this can be incorporated within the social studies program that is already out there."

Speaker Turner: "The Gentleman from Lee, Representative Mitchell, for what reason do you rise?"

Mitchell, J.: "Thank you, Mr. Speaker. To the Bill."

Speaker Turner: "To the Bill."

Mitchell, J.: "Again, with all due respect to the Sponsors of the Bill, somewhere this has to end. Ladies and Gentlemen, we continue to mandate what schools teach, what's in the curriculum. There's going to be a time when there's no time left for any teacher to have any originality whatsoever."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

Also, every time we add something to an overburdened curriculum, something has to be left out. I would hate to be the teacher that has to decide what he or she doesn't teach because we at the Capitol have told them what they have to teach. I respectfully ask for a 'no' vote. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 312 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 97 voting 'aye'... 96 voting 'aye', 11 voting 'no', 7 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Feigenholtz. Turn her micro... Representative Feigenholtz, the Lady from Cook, for what reason do you rise?"

Feigenholtz: "I'm sorry, Mr. Speaker. I thought you were calling for me to do House Bill 763. Somebody must have hit my speak button. I was down there."

Speaker Turner: "That's next week. Allowing perfunctory time for the Clerk, Representative Turrie... Currie moves that the House does stand adjourned until the... Wednesday, March 2 at 12:00. All those in favor say 'aye'; all those opposed say 'no'. The opinion of the Chair is the 'ayes' have it. And the House does stand adjourned until the hour of 12:00 noon, Wednesday, March 2."

Clerk Bolin: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 169, offered

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

3/1/2005

by Representative Gordon. House Resolution 170, offered by Representative Berrios. House Resolution 172, offered by Representative Acevedo. House Resolution 175, offered by Representative Hoffman. House Resolution 177, offered by Representative Burke. House Resolution 178, offered by Representative Smith. House Resolution 180, offered by Representative May. House Resolution 182, offered by Representative Munson. House Joint Resolution 22, offered by Representative Bill Mitchell. House Joint Resolution 23, offered by Representative Soto and House Joint Resolution 24, offered by Representative McCarthy. These Resolutions are referred to the House Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."